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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|------------------|
| 10/724,145 | 12/01/2003 | David Gareth Perry | 9-16795-1US | 1225 |
| 20988 7590 04/25/2007 OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA | | | EXAMINER EDWARDS JR, TIMOTHY | |
| | | | ART UNIT 2612 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 04/25/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/724,145

Applicant(s)

PERRY ET AL.

Examiner

Timothy Edwards, Jr.

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 2-4,9-11,13,14,16 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-8,12,15,17-20 and 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,5,6,12,15,17-19,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gristina et al '339, and further in view of Ragle et al '018.

Considering (currently amended) claim 1, Gristina discloses a power monitoring service comprising, a) a monitoring unit at each of a plurality of power consumer sites for monitoring power at each site (see paragraph 0068); b) each monitoring unit operative to periodically sample a selected power consumption parameter of each one of a plurality of power distribution circuits of its respective consumer site (see paragraphs 0068 and 0069); c) receiving respective power consumption data from each monitoring unit indicative of power consumption monitored at each site (see paragraph 0069); except Gristina does not specifically recite the power consumption data comprising a block of power consumption samples stored by the monitoring unit since the last successful attempt to download power consumption data to the monitoring service server. Gristina discloses the sending of power consumption data to a server. Ragle teaches the sending of previous and most recent cumulative metered data from a metering unit (see col 5, lines 8-35). One of ordinary skill in the art would readily recognize the use of any type of meter would function the same in the Gristina system. Therefore, it would have been obvious to one of ordinary skill in the art to use the meter type as taught by Ragle in the Gristina system because both systems are concern with the sending of measurement data to a collection unit; d) analyzing the received power

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consumption data to compute aggregate power consumption data of a predetermined set of two or more of the plurality of consumer sites (see paragraphs 0053, 0075 and 0094); e) providing an interface for enabling interested parties to access at least aggregate power consumption information in accordance with a subscription agreement (see paragraphs 0070 and 0096).

Considering claim (amended) 5, Gristina discloses the limitation of this claim (see paragraph 0081).

Considering claim (amended) 6, Gristina discloses the limitation of this claim (see paragraphs 0056 and 0060).

Considering (amended) claim 12, Gristina discloses the limitation of this claim (see paragraph 0083).

Considering (amended) claim 15, Gristina discloses the limitation of this claim (see paragraphs 0069 and 0097).

Considering (amended) claim 17, Gristina discloses the limitation of this claim (see paragraphs 0062, 0081 and 0094).

Considering (amended) claim 18, Gristina discloses the limitation of this claim (see paragraph 0073).

Considering (amended) claim 19, Gristina discloses the limitation of this claim (see paragraph 0074).

Considering claim 22, Gristina the limitations of this claim are interpreted and rejected as stated in claim 1.

3. Claims 7,8,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gristina and Ragle as applied to claim 6 above, and further in view of Bartone et al '868.

Considering (amended) claim 7, Gristina does not specifically recite comparing the power consumption information of the appliance and a power distribution circuit with the aggregate power consumption profile in order to identify actual power consumption differences between the appliance and a mean of power consumption of similar monitored appliance. Gristina teaches monitoring computers and copy machines (see paragraph 0056). Gristina also, teaches individual tenant data is gather and processed at a central data collection and processing device (see paragraph 0069) and analyzing the received power consumption data to compute aggregate power consumption data of a predetermined set of two or more of the plurality of consumer sites (see claim 1, part d). Bartone teaches (see paragraph 0011) analyzing the load profiles of other end users having complimentary and offsetting load profile characteristics. One of ordinary skill in the art would readily recognize the analyzing of load profiles from several end users could include comparing the load profiles of similar monitored appliances. Therefore, it would have been obvious to one of ordinary skill in the art the comparing of power consumption information of similar monitored appliances as taught by Bartone is within the scope of Gristina invention because Gristina discloses sending aggregated data of individual end user (to include appliance data) to be analyzed at a central monitoring location. Barton teaches the central monitoring location for analyzing the load profiles of other end users having complimentary and offsetting load profile characteristics is known in the art.

Considering (amended) claim 8, Gristina does not specifically recite using information related to power consumption of one appliance over an interval of time, and the aggregate power consumption profile associated with the appliance to identify a fault in the appliance. Bartone teaches (see paragraphs 0039, 0048 and 0053) using the

aggregate power consumption profile associated with the appliance to identify a fault in the appliance. Obviousness is as stated in claim 7.

Considering (amended) claim 20 the limitation of this claim is interpreted and rejected as stated in claim 8.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartone et al '868.

Considering claim 23, Bartone discloses a power monitoring service for a plurality of power consumers sites comprising a) periodically sampling a selected power consumption parameter of a plurality of power distribution circuits and storing the sample values as power consumption data (see paragraphs 0011, 0019, 0037, 0058 and 0060); b) periodically transmitting the power consumption data to a remote monitoring service server for processing respective power consumption data (see paragraphs 0011, 0058 and 0060).

Considering claims 24,25 Bartone discloses the limitation of these claims (see paragraphs 0011, 0055 and 0058).

6. Claims 26,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartone as applied to claim 23 above, and further in view of Ragle et al '01

Considering claim 26, Bartone does not specifically recite a condition under which the collected meter data is sent to another location. One of ordinary skill in the art readily recognizes the sending of data autonomously, pseudo randomly, when interrogated or polled is well known in the art. Ragle teaches the sending metered data after a predetermined number of measurements (see col 5, lines 28-35). Therefore, one of ordinary skill in the art would be able to send data by any known means or as taught by Ragle.

Considering claim 27, Bartone does not specifically recite deleting the stored power consumption data following successful transmission of the power consumption data to a remote location. Ragle teaches deleting meter data at an expiration time (see col 5, lines 15-20). One of ordinary skill in the art would readily recognize deleting data from a memory saves memory space and size. Therefore, it would have been obvious to one of ordinary skill in the art to delete data in the memory of the Bartone system as taught by Ragle because it is well known in the art to delete transmitted data to saves memory space and size.

Conclusion

Any inquiry concerning this communication should be directed to Examiner Timothy Edwards, Jr. at telephone number (571) 272-3067. The examiner can normally be reached on Monday-Thursday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Fridays.

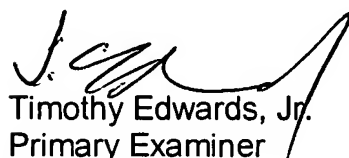
If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman, can be reached at (571) 272-3059.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be fax to:

(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov> or contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Timothy Edwards, Jr.
Primary Examiner
April 23, 2007